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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,604	07/07/2003	Naomi M. Jenkins	2000.107500/TT5487	7792
23720	7590	10/20/2004	EXAMINER	
WILLIAMS, MORGAN & AMERSON, P.C. 10333 RICHMOND, SUITE 1100 HOUSTON, TX 77042			VO, HIEN XUAN	
			ART UNIT	PAPER NUMBER
			2863	

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/614,604

Applicant(s)

JENKINS ET AL.

Examiner

Hien X. Vo

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 13, 14, 16-18, 20-23 and 25-33 is/are rejected.
- 7) ☒ Claim(s) 9-12, 15, 19, 24 and 34-37 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-8, 13-14, 16-18, 20-23, 25-33 rejected under 35 U.S.C. 102(e) as being anticipated by Pasadyn et al. (U.S. Patent No. 6,773,931).

With respect to claims 1, 13, Pasadyn et al. disclose a dynamic targeting for a process control system that includes performing a process step upon a batch of workpieces using a processing tool (see e.g. abstract), performing a tool state analysis upon the processing tool (see e.g. col. 3, lines 40-43), and performing a dynamic metrology routing adjustment process based upon the tool state analysis, the dynamic metrology routing adjustment process further comprises correlating the tool state analysis to the batch of workpieces and adjusting a metrology routing based upon the correlation (see e.g. col. 3, lines 50-67).

With respect to claims 2-5, 14, 18, 21, 23, 25, 30 Pasadyn et al. disclose the invention as claimed including the process step upon the batch of workpieces further

comprises performing the process step upon a batch of semiconductor wafers (see e.g. col. 13. lines 55-57), the tool state analysis upon the processing tool further comprises acquiring tool state data (see e.g. col. 14, lines 10-14), the tool state data further comprises acquiring at least one of a pressure data, a temperature data, a humidity data, and a gas flow rate data relating to the process step performed upon the workpieces (see e.g. col. 2, lines 50-54), the tool state analysis upon the processing tool further comprises performing a tool health analysis relating to the processing tool (see e.g. col. 2, lines 12-20).

With respect to claims 6-8, 31-33, Pasadyn et al. disclose the invention as claimed including a fault detection analysis relating to the processing of the batch, an operation performed by the processing tool, at least one fault relating to the batch (see e.g. col. 2, lines 54-65).

Claims 16, 17, 22 are apparatus claims corresponding to method claims 1-8, 13. Therefore, claims 16, 17, 22 are rejected for the same rationales set forth for claims 1-8, 13.

With respect to claim 20, Pasadyn et al. disclose the invention as claimed including a database unit to store at least one of metrology data, tool state data and the electrical test data (see e.g. Fig. 3. item 340).

With respect to claim 26-29, Pasadyn et al. disclose the invention as claimed including a computer readable program storage device encoded with instructions that when executed by a computer, performs a method, comprising:  
performing a process step upon a batch of workpieces using a processing tool;

performing a tool state analysis upon the processing tool ; and performing a dynamic metrology routing adjustment process based upon the tool state analysis, the dynamic metrology routing adjustment process further comprises correlating the tool state analysis to the batch of workpieces and adjusting a metrology routing based upon the correlation (see e.g. col. 14, lines 31-49), the process step upon the batch of workpieces further comprises performing the process step upon a batch of semiconductor wafers (see e.g. col. 14, lines 54-55), the tool state analysis upon the processing tool further comprises acquiring tool state data (see e.g. col. 14, lines 43-46), acquiring the tool state data further comprises acquiring at least one of a pressure data, a temperature data, a humidity data, and a gas flow rate data relating to the process step performed upon the workpieces (see e.g. claim 22).


3. Claims 9-12, 15, 19, 24, 34-37 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hien X. Vo whose telephone number is (571) 272-2282. The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hien Vo  
October 14, 2004



John Barlow  
Supervisory Patent Examiner  
Technology Center 2800